

**TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS
MINUTES**

DATE: January 20, 2006

TIME: 9:00 a.m., C.S.T.

LOCATION: Cumberland Room
Ground Floor, Cordell Hull Building
Nashville, TN

MEMBERS

PRESENT: David Long, DPM, Chair
Aaron Perkins, DPM
Kathryn Riffe, DPM, Secretary
Berkeley Nicholls, DPM
Shannon Bottoms, Citizen Member

STAFF

PRESENT: James A. Hill, Board Administrator
Ernest Sykes, Advisory Attorney
Barbara Maxwell, Administrative Director
Jerry Kosten, Rules Coordinator

Dr. Long, chair, called the meeting to order at 9:05 a.m., on January 20, 2006. A sufficient number of board members were present to constitute a quorum.

Review Minutes

Upon review, Dr. Perkins made a motion, seconded by Dr. Nicholls, to approve the minutes as written. The motion carried.

Review Conflict of Interest Policy

Mr. Sykes introduced himself to the board stating he would be the new advisory attorney.

Mr. Sykes reviewed the conflict of interest policy with the board asking the members to disclose any interest they may have in any matters brought before the board to determine if the member should be recused from the proceeding.

Mr. Sykes introduced Sheon Belton stating Mr. Belton will be the board's litigating attorney.

Office of General Counsel Report

Mr. Sykes discussed the OGC report stating Rules 1155-2.02, .04, .08, .12, .22 and 1155-2-.04, .05, .08, .14 and 1155-3-.010 are being reviewed by the Attorney General.

Mr. Sykes stated that OGC has six (6) open case files pertaining to Podiatry.

Investigative Report

Mr. Sykes said of the eight (8) open case files in Investigations from 2005, four (4) have been closed, one (1) with no action, two (2) with letters of concern and one (1) referred to OGC.

Disciplinary Report

Mr. Sykes stated of the eight (8) disciplined podiatrists, two (2) podiatrists are currently being monitored.

Mr. Sykes said if the two podiatrists being monitored do not meet the conditions of the discipline another complaint will be filed and additional board action will be taken.

Financial Report

Mr. Hill said the board has a cumulative carryover of \$15,338.83.

Dr. Riffe stated she needed clarification of the salaries.

Ms. Bell said Mr. Hill, Mrs. Maxwell and Mr. Sykes do distribution reports which mean whatever board they are working for are being charged for their time.

Mr. Sykes stated his fees are reflected in the report and at the end of each month he allocates the number of hours spend on each board meeting, research, letters, etc. and charges the board accordingly.

Administrative Report

Mr. Hill reviewed the administrative report stating there are 222 active podiatrists of which 189 are registered or live in Tennessee. Mr. Hill said 95 podiatrists are retired and 140 are in a failed to renew status.

Mr. Hill stated there are 136 active x-ray operators of which 127 are registered or live in Tennessee. Mr. Hill said 54 x-ray operators are in a failed to renew status.

Ms. Hill said two (2) podiatrists and three (3) x-ray operators were licensed in September, two (2) podiatrists and five (5) x-ray operators were licensed in October, one (1)

podiatrist and five (5) x-ray operators were licensed in November and one (1) podiatrist and two (2) x-ray operators were licensed in December 2005.

Mr. Hill asked the board members to encourage all licensees to renew online.

Dr. Perkins said they discussed at the last few meetings how to track failed to renew licensees and stated that the boards are not adequately tracking the failed to renew.

Ms. Bell said she disagreed with that statement. Ms. Bell stated the department does not have the staff nor do the boards have the finances to have investigators tracked failed to renew licensees. Ms. Bell said there are 177,000 licensees in the State of Tennessee and there is no way the department can police all licensees.

Mr. Sykes said the state is unable to take affirmative action on a licensee until a complaint has been filed.

Status Report

Mr. Hill stated the status report for x-ray operators indicate there are ten (10) applications in process, six (6) expired, one hundred thirty-four (134) certified, five (5) voluntarily retired and fifty-one (51) failed to renew.

Mr. Hill stated the status report for podiatrists indicate there are nine (9) applications in process, forty (40) expired, two hundred thirty (230) licensed, ninety-five (95) voluntarily retired, three (3) revoked, one hundred forty (140) failed to renew and twenty-four (24) deceased.

Report from Jerry Kosten, Rules Coordinator

Mr. Kosten stated he held a rulemaking hearing December 28, 2005 to amend Rule 1155-4, General Rules Governing Orthotists, Prosthetists, and Pedorthists and Rule 1155-2, definitions, necessity of certification, use of titles, retirement and reactivation of license, continuing education, board members, advisory rulings, screening panels and podiatric professional corporations and limited liability companies.

Mr. Kosten said no one attended the hearing and no written/oral communication was received.

Dr. Perkins said under use of titles it states the earning of the degree allows you to use the initials DPM. Dr. Perkins said there are retired DPM's that are no longer practicing that have a right to use that title and asked if the rule indicates they cannot use the title DPM without a license.

Mr. Kosten stated that the paragraph does not address the unlicensed use of titles and that retired podiatrists are still licensed and can use the title DPM.

Upon discussion, Dr. Perkins made a motion, seconded by Dr. Riffe, to approve the rule amendments as written. A roll call vote was conducted and all members voted in the affirmative.

Mr. Kosten presented the new rules for the board's new professions, Orthotist, Prosthetist and Pedorthist.

Mr. Kosten stated the professions are separate and anyone seeking licensure for all three professions would have to submit applications and pay for each license.

Upon discussion, Dr. Perkins made a motion, seconded by Dr. Nicholls, to approve the rule as written. A roll call vote was conducted and all members voted in the affirmative.

Ratify Podiatry and Podiatric X-Ray Operator Applications

Dr. Riffe made a motion, seconded by Dr. Nicholls, to ratify the following applications for licensure as X-Ray Operators:

**Ann Bradley
Tammy Holt
Ladora Jones
Lisa Ann Killebrew
Renee Larkin
Amy Loyd
Cassandra Rucker
Cynthia Stickney
Pamela Terry**

The motion carried.

Dr. Perkins made a motion, seconded by Dr. Nicholls, to ratify the following newly licensed Podiatrists and X-Ray Operators:

Podiatrists

**Bradley David Castellano, DPM
Tyrone Teako Davis, DPM
Antony Merendino, DPM
Phillip J. Riley, DPM**

X-Ray Operators

**Ann Ellis Bradley
Tammy Marie Holt
Ladora Jones
Lisa Ann Killebrew**

Renee Larkin
Amy R. Loyd
Tina Marie Posey
Cassandra D. Rucker
Cynthia A. Stickney
Pamala D. Terry
Melanie K. Wilson

The motion carried.

Dr. Nicholls made a motion, seconded by Dr. Riffe, to ratify the following Podiatrists to sit for the oral examination and be issued a license upon successfully passing the exam:

Robert C. Salek, exam
Robert J. Wenzler, exam
Tyronne Teako Davis, reciprocity

The motion carried.

Election of Officers

Dr. Perkins made a motion, seconded by Dr. Riffe, to keep the same officers, Dr. Long, chair and Dr. Riffe, secretary. The motion carried.

Review Board of Podiatric Medical Examiners application

Upon review of the amended Podiatry application, Dr. Perkins made a motion, seconded by Dr. Nicholls, to approve the amendment as written. The motion carried.

Discuss requiring applicants to successfully pass the PM Lexis Part 3 exam within five years of application

Dr. Perkins stated the application is too cumbersome and suggested having one application for reciprocity and examination and one application for academic.

Dr. Long stated if the board is no longer giving the oral examination there is nothing to assess an applicant's competency.

Dr. Long suggested forming a committee with Dr. Perkins to discuss this matter further and bring it before the board at the next meeting.

Dr. Long suggested appointing a task force to draft jurisprudence examination questions. Dr. Perkins and Dr. Riffe agreed to draft the questions.

Upon discussion of the "go to work" letter, Ms. Bottoms made a motion, seconded by Dr. Riffe, to allow Mr. Hill to issue go to work letters. The motion carried.

Mr. Sykes agreed to re-write the go to work letter for presentation to the board at the next meeting.

Phyllis Gregg with the Radiology Education Seminars discussed continuing education

Ms. Gregg stated that Radiology Education Seminars has approved x-ray operators for the past eighteen (18) years for the Podiatry Board; however, now there is confusion as to whether they are currently approved. Ms. Gregg said rather than researching when the classes were approved they are resubmitting their full curriculum which includes the core and body part curriculum. Ms. Gregg said they were also requesting approval for continuing education.

Dr. Long said the state and national courses were in the rules as examples and whoever gives the course is responsible for giving the examination.

Dr. Perkins told Ms. Gregg that her company will not exclusively give the examination.

Ms. Gregg asked if a student took either the full remedy course or fifteen (15) hour course and an examination with a 70% pass rate would this be acceptable by the board.

Upon conclusion of the discussion, Dr. Perkins made a motion, seconded by Dr. Riffe, to accept the x-ray courses and examinations by Radiology Education Seminars upon changing the passing grade to 70%. The motion carried.

Continuing education course approval/denial

Upon review of the continuing education courses submitted by Ellie Wydeven from the **Rosalind Franklin University**, Dr. Perkins made a motion, seconded by Dr. Nicholls, to approve the courses as written. The motion carried.

Correspondence

The board reviewed a letter mailed to Dr. Long from Ralph Bard, Esq. regarding Dr. Gerald Calia's disciplinary action. Mr. Bard was under the impress that disciplinary actions were removed after ten (10) years pending the licensee had no other discipline in that ten (10) year period and requested that Dr. Bard's disciplinary action be removed from the internet.

Upon discussion, Dr. Long asked Mr. Sykes to respond to Dr. Calia's attorney.

With no other board business to conduct, Dr. Riffe made a motion, seconded by Dr. Perkins, to adjourn at 11:24 a.m.